

**DOCKET NO. 3:01-CR-2-2-FDW**

**Defendant.**

3. While conceding eligibility, the Government objects to a reduction “because of the

extraordinary acts of violence committed by the conspiracy in which Defendant knowingly and voluntarily participated”—including numerous armed robberies and related shootings—“as well as the number of disciplinary citations Defendant has received while in custody”—including two assaults, one with a deadly weapon—thus “evidencing a clear disregard for the law.” Citing the *Medjuck* case, Defendant argues that a Defendant’s post-conviction disciplinary issues should not bar a reduction in sentence. While such considerations must be weighed on a case-by-case basis, the Court determines in light of all the circumstances that this case is not an appropriate one for relief.

4. Upon consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a), the possible threat to public safety posed by the early release of a person with this defendant’s criminal predispositions, and this defendant’s post-sentencing misconduct, the court finds that the original sentence of **97 months** (with 40 months consecutive as to Count Eleven)—which already represents a meaningful reduction based on Defendant’s substantial assistance—is the minimal sentence appropriate to accomplish the objectives of sentencing.<sup>1</sup>

An appropriate Order shall issue separately.

Signed: April 24, 2009



Frank D. Whitney  
United States District Judge



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<sup>1</sup>The Court notes that it is not required under Fourth Circuit case law to undertake an exhaustive analysis of all of the § 3553(a) factors in this Order. See *United States v. Legree*, 205 F.3d 724, 728-29 (4th Cir. 2000).